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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST:

FINAL DECISION AND ORDER

BERT DAVID COLLIER, JR., M.D.

RESPONDENT

LS990202243MED

Division of Enforcement File No. 96 Med 31

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Bert David Collier, Jr., M.D.

621 North 77th Street

Wauwatosa, Wisconsin 53213

State of Wisconsin

Medical Examining Board

P.O. Box 8935

Madison, Wisconsin 53708-8935

Department of Regulation and Licensing

Division of Enforcement

P.O. Box 8935

Madison, Wisconsin 53708-8935

The parties in this matter, Bert David Collier Jr., M.D., Respondent, personally and through his attorney Stephen M. Glynn, Shellow, Shellow and Glynn S.C., and Pamela M. Stach, Attorney for the Department of Regulation and Licensing, Division of Enforcement, agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Medical Examining Board. The Board has reviewed the Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached stipulation and makes the following:

FINDINGS OF FACT

1. Bert David Collier, Jr., M.D., Respondent herein, of 621 N. 77th Street, Wauwatosa, Wisconsin 53213, whose date of birth is December 6, 1947, is licensed and currently registered to practice medicine and surgery in the State of Wisconsin under license number 23001 which was granted on July 11, 1980.

2. The Respondent specializes in the practice area of nuclear medicine.

3. There is a formal investigation of Respondent pending before the Wisconsin Medical Examining Board.

4. On February 12, 1999, a Judgment of Conviction was entered by the United States District Court for the Eastern District of Wisconsin upon a plea of guilty by Respondent rendered on October 9, 1998, to a violation of Title 18 United States Code Section 1001 to wit: that on or about February 1, 1996, in the State and Eastern District of Wisconsin, the defendant herein, knowingly and willfully made material false and fraudulent statements and representations in a matter within the jurisdiction of the United States Department of Health and Human Services ("HHS") in that the defendant stated and represented to an agent of the Office of Inspector General of HHS that he had personally signed all medical reports bearing his name that purported to reflect the defendant's review and interpretation of nuclear medicine scans, when, as defendant well knew, Ali Isitman, had actually performed a substantial proportion of the reviews and interpretations in questions and had signed the associated medical reports using the defendant's name and personal identification number. A copy of the Judgment of Conviction is appended hereto and incorporated herein as Exhibit A.

5. The crime of which Respondent is convicted as set forth in paragraph 4 above is substantially related to the practice of medicine.

CONCLUSIONS OF LAW

1. The Medical Examining Board has jurisdiction in this proceeding pursuant to sec. 448.02, Stats.

2. The Medical Examining Board has the authority to resolve this matter by stipulated agreement pursuant to sec. 227.44(5). Stats.

3. The Respondent, having been convicted of the crime set forth in paragraph 4 of the Findings of Fact, which substantially relates to the practice of medicine, is guilty of unprofessional conduct within the meaning of sec. 448.02(3) Stats. and Wis. Adm. Code sec. MED 10.02(2)(r).

ORDER

NOW THEREFORE IT IS ORDERED that the Stipulation of the parties is hereby accepted.

IT IS FURTHER ORDERED that the license of Bert David Collier Jr., M.D., Respondent, to practice medicine and surgery in the State of Wisconsin is hereby SUSPENDED for a period of TEN MONTHS commencing February 12, 1999 and ending on December 11, 1999.

IT IS FURTHER ORDERED that the license of Bert David Collier Jr., M.D., Respondent shall be reinstated on December 12, 1999 with the following LIMITATIONS:

1. All limitations set forth herein are permanent unless otherwise specified.

2. Respondent shall not request payment, under his name, for any medical services unless he has personally and directly provided such services to the patient. This prohibition shall include any medical procedures which Respondent has supervised and/or delegated and has not directly performed.

3. Respondent shall not participate in the Medicaid/Medicare programs as an authorized Medicaid/Medicare provider for a period of five years from the effective date of this Order.

IT IS FURTHER ORDERED that Respondent shall pay a portion of the costs of these proceedings in the amount of Two Thousand Five Hundred Dollars (\$2500) to the Department of Regulation and Licensing, P.O. Box 8935, Madison, Wisconsin 53708-8935 within thirty days of the effective date of this Order, pursuant to the authority of sec. 440.22, Stats.

IT IS FURTHER ORDERED that pursuant to Wis. Stats sec. 448.02(4), if the Wisconsin Medical Examining Board determines that there is probable cause to believe that Respondent has violated any of the terms of this Final Decision and Order, the Board may order that the license of Respondent to practice medicine and surgery in the State of Wisconsin be summarily suspended pending investigation of the alleged violation.

The rights of a party aggrieved by this Final Decision and Order to petition the Wisconsin

Medical Examining Board for rehearing and to petition for judicial review are set forth in the attached "Notice of Appeal Information."

Dated this 24 day of February, 1999.

STATE OF WISCONSIN

MEDICAL EXAMINING BOARD

Ronald Grossman M.D.

Member of the Board